



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of:

DRAKE et al.

Serial No.: 10/625,916

Filed: July 23, 2003

Atty. File No.: 4471-1-DIV-CON

For: "METHOD AND SYSTEM FOR  
MINING HYDROCARBON-  
CONTAINING MATERIALS"

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

) Group Art Unit: KRECK, JOHN J.  
)

) Examiner: 3673  
)

) REPLY TO OFFICE ACTION DATED  
) FEBRUARY 24, 2004  
)

"EXPRESS MAIL" MAILING LABEL NUMBER: EV368037951US  
DATE OF DEPOSIT: 5/26/04

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE  
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE  
UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS  
ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX  
1450, ALEXANDRIA, VA 22313-1450.

TYPED OR PRINTED NAME: Amy S. Duarte

SIGNATURE: *Amy S. Duarte*

Dear Sir:

Applicant submits this Reply to address the Office Action having a mailing date of February 24, 2004 (Paper No. 02212004). Enclosed herewith is a petition for a one-month extension of time, thereby extending the time period for response from May 24, 2004 to June 24, 2004, as well as a check in the amount of \$55.00 as the fee for such extension. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970.

REMARKS/ARGUMENTS

The Examiner notes that one of the PTO 1449's was missing from the Information Disclosure Statement mailed July 23, 2003 ("IDS"). Applicants have confirmed that PTO 1449 page 5 included in the IDS was omitted inadvertently or lost in the mail room. A copy of missing PTO 1449 page 5 is attached hereto. Because the references were cited in the parent application(s), it is not necessary to provide copies of the references. Applicants hereby request the Examiner to initial the references in missing PTO 1449 page 5 to confirm their consideration by the Examiner during the prosecution of the present application.

The Examiner rejects Claims 1-92 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-79 of U.S. Patent 6,554,368. Enclosed is a